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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,874	11/26/2003	Takashi Kobayashi	XA-10000	6095

181 7590 08/28/2006

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

ERDEM, FAZLI

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,874

Applicant(s)

KOBAYASHI ET AL.

Examiner

Fazli Erdem

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9-11,13,18,20,21,23,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 5-8,12,14-17,19 and 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 5-8, 12, 14-17, 19 and 24-27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 9-11, 13, 18, 20, 21, 23, 28 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Eitan (6,011,725) in view of Ohba et al. (6,680,505) further in view of Taira et al. (6,410,412)

Regarding Claims 1, 2, 4, 9-11, 13, 18, 20, 21, 23, 28 and 29, Eitan discloses a two bit non-volatile electrically erasable and programmable semiconductor memory cell utilizing asymmetrical charge trapping where in Figs. 1-5, it is disclose a first insulator film 56 formed above a semiconductor substrate 62, silicon nitride dots charge trapping layer 54 formed on the first insulator layer 56, a second insulator film formed on insulating charge trapping layer, a conductive film 50 formed above the second insulator film 52, a channel region formed in semiconductor substrate 62 and disposed between semiconductor source/drain regions 58 and 60. Eitan fails to disclose the required programming structure for the silicon nitride dot structure and the required heights of the

insulating and the dot/particulate layers. However, Ohba et al. disclose a semiconductor storage element where in Fig. 16, programming is performed by injecting charges from channel region into silicon nitride charge trapping layer consisting of silicon nitride particles/dots 115. Furthermore, Taira et al. disclose methods for fabricating memory devices where in Fig. 13, the insulating layers 6 and 11 have heights greater than the height of the dot/particulate layer 9.

Regarding Claim 2, Figs. 1-5 of Eitan disclose the required programming direction.

Regarding Claim 9, silicon nitride dots charge trapping layer 54 of Eitan is present as a single layer.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required programming by injection of charges from channel region into silicon nitride charge trapping region and the required height of the insulating and the particle/dot layers in Eitan et al. as taught by Ohba et al. Taira et al. and, in order to have a nonvolatile semiconductor memory cell with increased performance and reliability.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazli Erdem whose telephone number is (571) 272-1914. The examiner can normally be reached on M - F 8:00 - 5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FE

August 18, 2006


LEONARDO ANDUJAR
PRIMARY EXAMINER